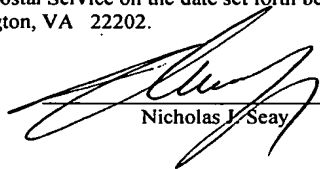




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10/9/02

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as First Class mail in an envelope addressed to: Commissioner for Patents, P O Box 2327, Arlington, VA 22202.

Date of Signature and Deposit: September 26, 2002


Nicholas J. Seay

PATENT

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Examiner: Herbert J. Lilling

For: IMPROVED E. COLI EXTRACT
FOR PROTEIN SYNTHESIS

File No.: 700399.90126

RESPONSE

Commissioner for Patents
P O Box 2327
Arlington, VA 22202

Dear Sir:

In response to the requirement for restriction mailed June 26, 2002 in the file of the application, the applicants respond herewith as follows:

The applicants hereby elect the invention designated as I by the Examiner in this application, comprising of Claims 1-9. The applicants also respectfully traverse this requirement.

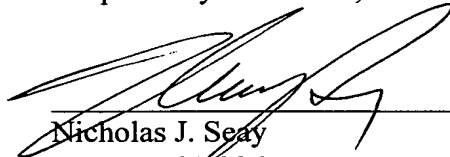
It is believed that Claims 1-9 and the product of Claims 11-22 should be considered within the same statutory class for examination in this application. Both Claims 1-9 and Claims 11-22 are drawn to things, as opposed to methods. In fact, the principal limitation different in Claims 11-22 from Claims 1-10 is simply the vial or container in which the material rests. It is submitted that a search of the subject matter of these sets of claims is

entirely overlapping and that both need to be searched to provide an adequate examination of either set of claims. Accordingly, it is believed that this requirement for restriction is improperly drawn and invention I and invention II should be examined together.

The applicants also feel that the method Claims 23-30 should also be examined in the same application since the searches will inevitably overlap and it would be more convenient for the applicants and the Patent Office to consider that subject matter in a single application.

A separate petition for extension of time is submitted so that this response will be considered as timely filed.

Respectfully submitted,



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